

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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CHRISTOPHER SEILER,

Petitioner,

Case No. 18-cv-1081-bhl

v.

BRIAN FOSTER,

Respondent.

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**ORDER**

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On February 28, 2023, the Seventh Circuit denied Petitioner Christopher Seiler’s request for a certificate of appealability because he made “no substantial showing of the denial of a constitutional right.” (ECF No. 48 at 1.) The mandate was docketed about a month later, at which point, this Court became aware of two pending motions Seiler filed while his case was on appeal. (*Id.* at 2.) The first seeks leave to appeal without prepayment of the filing fee. (ECF No. 45.) The second asks the Court to correct the record and reconsider its order denying habeas relief. (ECF No. 47.) For the following reasons, both motions will be denied.

The Court can only allow a litigant to appeal without prepaying the filing fee if he establishes indigence and that his appeal is taken in good faith. 28 U.S.C. §1915(a)(3). An appeal is taken in good faith if “a reasonable person could suppose that the appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 632 (7th Cir. 2000). In light of the Seventh Circuit’s conclusion that Seiler has made “no substantial showing of the denial of a constitutional right,” (ECF No. 48 at 1), the Court does not find that a reasonable person could suppose his appeal had merit. The Court, therefore, certifies that Seiler’s appeal was not taken in good faith.

Seiler’s motion to correct the record is based on his belief that the Clerk of Court failed to docket the exhibits he attached to his brief-in-chief, filed at ECF No. 22. (ECF No. 47 at 1.) The Clerk did, however, attach those documents. (ECF No. 22-1.) Seiler stylized them as 66 different exhibits, but the Clerk simply folded each into a single exhibit for simplicity’s sake. Thus, there

is no need to correct the record, nor is there any need for the Court to reconsider its decision based on any missing evidence.

Accordingly,

**IT IS HEREBY ORDERED** that Seiler's Motion for Leave to Appeal Without Prepayment of the Filing Fee, ECF No. 45, and Motions to Correct the Record and for Reconsideration, ECF No. 47, are **DENIED**.

Dated at Milwaukee, Wisconsin on March 29, 2023.

*s/ Brett H. Ludwig*  
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BRETT H. LUDWIG  
United States District Judge